REMARKS

Upon entry of these amendments, claims 23, 27-29, and 32-39 are pending in this application. Claims 30 and 31 have been cancelled herein without prejudice or disclaimer. Claims 23, 27-29, and 32-39 have been amended. Support for these amendments is found throughout the specification. No new matter has been added.

Priority Information

As requested by the Examiner, Applicants have amended the priority claim to comply with the requirements of 37 C.F.R. § 1.78(a).

Information Disclosure Statement

The Examiner has objected to the Information Disclosure statement filed December 12, 2001. Specifically, references C1, C9, and C11 were objected to by the Examiner as lacking sufficient reference information. Applicants note that reference C1 is identical to reference C12, which was cited in the Supplemental Information Disclosure Statement, filed on October 11, 2002. Because reference C12 was initialed by the Examiner, Applicants have not included reference C1 in the Supplemental Information Disclosure Statement submitted herewith. The instant Supplemental Information Disclosure Statement does include the complete citation for reference C9 (cited herein as reference C13).

Rejections under 35 U.S.C. § 112, second paragraph

Claim 23 stands rejected under 35 U.S.C. § 112, second paragraph, for reciting the term "reagent." According to the Examiner, this term is "ambiguous and contradictory" given that the specification only appears to contemplate the use of monoclonal antibodies (*See* Office Action at page 3). Claim 23 has been amended herein to specify the use of "monoclonal antibody AC133" or "monoclonal antibody 5E12". Thus, this rejection should be withdrawn.

Claim 36 stands rejected under 35 U.S.C. § 112, second paragraph, for reciting the term "predetermined." This term is not recited in claim 36, as amended herein. Thus, this rejection should be withdrawn.

Claim 38 has also been rejected under 35 U.S.C. §112, second paragraph for reciting the phrase "a neural survival factor." Specifically, the Examiner states that it is unclear what the metes and bounds of a "neural survival factor" entail, as no such factors are recited within the claim. (*See* Office Action at page 3). As amended herein, claim 38 now recites the growth factor named "neural survival factor, NSF". (*See* page 10, lines 13-14 of the specification). Thus, this rejection should be withdrawn.

The Examiner has also rejected claims 23 and 27-39 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner indicates that it is unclear what constitutes a "lo" or "hi" phenotype. (*See* Office Action at page 4). Claims 30 and 31 have been cancelled herein. Thus, this rejection is moot as it applies to these claims. Moreover, Applicants note that the terms "lo" and "hi" are not recited in any of amended claims 23, 27-29, and 32-39. Therefore, this rejection is now moot and should be withdrawn.

The Examiner has also indicated that AC133, 5E12, and 8G1 appear to be antibody designations as opposed to well-known antigen designations. Thus, the Examiner concludes that the claims are indefinite. (*See* Office Action at page 4). As amended herein, the claims recite cells that bind to a specific monoclonal antibody (*e.g.*, monoclonal antibody AC133 or monoclonal antibody 5E12). Applicants further note that claim 29 has been amended to specify that the cells are $CD24^-$ cells as opposed to $8G1^{-/lo}$. Those skilled in the art will recognize that CD24 is a well-known antigen designation rather than the 8G1 antibody designation. (*See, e.g.*, page 3, lines 25 and 26 of the specification). Thus, based on these amendments, Applicants request that this aspect of the rejection be withdrawn.

Rejection under 35 U.S.C. § 102(e)

Claims 23 and 27-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,750,376 ("Weiss"). According to the Examiner, Weiss teaches populations of neurospheres that are inherently enriched for cells that are $AC133^+$, $5E12^+$, $nestin^+$, $CD45^-$, and $CD34^-$ because, absent evidence to the contrary, these markers specific to neurospheres are inherently expressed in neurosphere populations. (*See* Office Action at page 4).

As amended, claims 23 and 27-29, from which claims 32-39 depend, are directed to cell culture compositions comprising at least one monoclonal antibody selected from the group consisting of monoclonal antibody AC133 and monoclonal antibody 5E12.

Weiss does not teach or suggest any cell culture compositions containing monoclonal antibodies, much less monoclonal antibody AC133 or monoclonal antibody 5E12. Thus, because Weiss fails to teach all the limitations of the claimed invention, Applicants contend that claims 23, 27-29, and 32-39 are not anticipated by this reference. As such, this rejection should be withdrawn.

CONCLUSION

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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